

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MIR KADIR MAMUN, JOSE ARENAS, IGNACIO
GARCIA, HECTOR GUTIERREZ, MOHAMMED
MOLLIK MIAH, JOSE GOMEZ and LUIS
HUMBERTO MOROCHO,

ANSWER

06 CV 13749 (GDB) (JCF)

Plaintiffs,

- against -

DANIEL BOULUD, THE DINEX GROUP, LLC d/b/a
DANIEL, DANIEL BOULUD LTD., MICHAEL
LAWRENCE and IGNACE LECLEIR,

Defendants.
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Defendants DANIEL BOULUD, THE DINEX GROUP, LLC d/b/a DANIEL,
DANIEL BOULUD LTD., MICHAEL LAWRENCE and IGNACE LECLEIR ("Defendants"),
by their attorneys, Landman Corsi Ballaine & Ford P.C., hereby answer the Complaint
herein as follows:

WITH RESPECT TO STATEMENT OF THE CASE

FIRST: Defendants deny knowledge or information sufficient to form a belief as
to the truth of the allegations contained in paragraph "1" of the Complaint, except deny
that Chef Daniel Boulud owns Restaurant Daniel. Defendants admit that Restaurant
Daniel is an upscale French restaurant in New York, and refer all matters of law to the
Court.

SECOND: Defendants deny the truth of each and every allegation contained in
paragraph "2" of the Complaint.

THIRD: Defendants deny the truth of each and every allegation contained in paragraph "3" of the Complaint.

FOURTH: Defendants deny the truth of each and every allegation contained in paragraph "4" of the Complaint.

WITH RESPECT TO JURISDICTION AND VENUE

FIFTH: Defendants admit the truth of each and every allegation contained in paragraph "5" of the Complaint, except deny that defendants have violated any Federal, State or City laws.

SIXTH: Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "6" of the Complaint and refer all matters of law to the Court.

SEVENTH: Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "7" of the Complaint and refer all matters of law to the Court.

EIGHTH: Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "8" of the Complaint and refer all matters of law to the Court.

WITH RESPECT TO PARTIES

NINTH: Defendants admit the truth of each and every allegation contained in paragraph "9" of the Complaint, except deny knowledge or information sufficient to form a belief as to where Mr. Arenas resides.

TENTH: Defendants deny the truth of each and every allegation contained in

paragraph "10" of the Complaint, except deny knowledge or information sufficient to form a belief as to where Mr. Garcia resides.

ELEVENTH: Defendants deny the truth of each and every allegation contained in paragraph "10" of the Complaint, except deny knowledge or information sufficient to form a belief as to where Mr. Gomez resides.

TWELFTH: Defendants admit the truth of each and every allegation contained in paragraph "12" of the Complaint, except deny knowledge or information sufficient to form a belief as to where Mr. Gutierrez resides.

THIRTEENTH: Defendants admit the truth of each and every allegation contained in paragraph "13" of the Complaint, except denies knowledge or information sufficient to form a belief as to where Mr. Mamun resides.

FOURTEENTH: Defendants deny the truth of each and every allegation contained in paragraph "14" of the Complaint, except admit that Mr. Miah is currently employed as a busser at Restaurant Daniel. Defendants deny knowledge or information sufficient to form a belief as to where Mr. Miah resides.

FIFTEENTH: Defendants deny the truth of each and every allegation contained in paragraph "15" of the Complaint, except admit that Mr. Morocho is currently employed as a lounge server/assistant captain at Restaurant Daniel. Defendants deny knowledge or information sufficient to form a belief as to where Mr. Morocho resides.

SIXTEENTH: Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "16" of the Complaint and refer all matters of law to the Court.

SEVENTEENTH: Defendants deny the truth of each and every allegation contained in paragraph "17" of the Complaint, except admit that Daniel Boulud has the power to supervise, hire and fire employees at Daniel, set their wages and schedules, retain time and/or wage records and otherwise control the terms and conditions of their employment.

EIGHTEENTH: Defendants deny the truth of each and every allegation contained in paragraph "18" of the Complaint, except admit that The Dinex Group owns and operates Daniel, a restaurant located at 60 East 65th Street, New York, New York 10021.

NINETEENTH: Defendants admit the truth of each and every allegation contained in paragraph "19" of the Complaint.

TWENTIETH: Defendants deny the truth of each and every allegation contained in paragraph "20" of the Complaint.

TWENTY-FIRST: Defendants deny the truth of each and every allegation contained in paragraph "21" of the Complaint.

TWENTY-SECOND: Defendants deny the truth of each and every allegation contained in paragraph "22" of the Complaint.

WITH RESPECT TO STATEMENT OF FACTS

TWENTY-THIRD: Defendants deny the truth of each and every allegation contained in paragraph "23" of the Complaint.

TWENTY-FOURTH: Defendants deny the truth of each and every allegation contained in paragraph "24" of the Complaint, except admit that certain individuals are

employed by the Restaurant as Captain, Assistant Captain, and Lounge Server.

TWENTY-FIFTH: Defendants deny the truth of each and every allegation contained in paragraph "25" of the Complaint, except admit that certain individuals are employed by the Restaurant as Expediter, Runner and Busser.

TWENTY-SIXTH: Defendants deny the truth of each and every allegation contained in paragraph "26" of the Complaint.

TWENTY-SEVENTH: Defendants deny the truth of each and every allegation contained in paragraph "27" of the Complaint.

TWENTY-EIGHTH: Defendants deny the truth of each and every allegation contained in paragraph "28" of the Complaint.

TWENTY-NINTH: Defendants deny the truth of each and every allegation contained in paragraph "29" of the Complaint, except admit that some of the duties of the expeditor include communicating with the kitchen staff to ensure that each order is prepared properly and delivered efficiently to the customers.

THIRTIETH: Defendants deny the truth of each and every allegation contained in paragraph "30" of the Complaint.

THIRTY-FIRST: Defendants admit the truth of the allegations contained in paragraph "31" of the Complaint.

THIRTY-SECOND: Defendants deny the truth of each and every allegation contained in paragraph "32" of the Complaint.

WITH RESPECT TO WAGES AND TIPS AT DANIEL

THIRTY-THIRD: Defendants admit the truth of each and every allegation

contained in paragraph "33" of the Complaint.

THIRTY-FOURTH: Defendants deny the truth of each and every allegation contained in paragraph "34" of the Complaint.

THIRTY-FIFTH: Defendants admit the truth of each and every allegation contained in paragraph "35" of the Complaint, except deny that at the end of each shift all tips received in the Restaurant are totaled and then divided among the staff.

THIRTY-SIXTH: Defendants deny the truth of each and every allegation contained in paragraph "36" of the Complaint, except admit that Bussers receive 2.5 points, Runners receive 3.5 points, Lounge Servers receive 3.5 points, Assistant Captains receive 5 points, and Captains receive 6 points.

THIRTY-SEVENTH: Defendants deny the truth of each and every allegation contained in paragraph "37" of the Complaint.

THIRTY-EIGHTH: Defendants deny the truth of each and every allegation contained in paragraph "38" of the Complaint.

THIRTY-NINTH: Defendants deny the truth of each and every allegation contained in paragraph "39" of the Complaint.

FORTIETH: Defendants deny the truth of each and every allegation contained in paragraph "40" of the Complaint.

WITH RESPECT TO DANIEL'S TWO-TIERED EMPLOYMENT TRACK

FORTY-FIRST: Defendants deny the truth of each and every allegation contained in paragraph "41" of the Complaint.

FORTY-SECOND: Defendants deny the truth of each and every allegation

contained in paragraph "42" of the Complaint, except admit that at various times the Restaurant employs a number of individuals from France, the United States, Africa, Europe and elsewhere.

FORTY-THIRD: Defendants deny the truth of each and every allegation contained in paragraph "43" of the Complaint.

FORTY-FOURTH: Defendants deny the truth of each and every allegation contained in paragraph "44" of the Complaint.

FORTY-FIFTH: Defendants deny the truth of each and every allegation contained in paragraph "45" of the Complaint.

FORTY-SIXTH: Defendants deny the truth of each and every allegation contained in paragraph "46" of the Complaint.

FORTY-SEVENTH: Defendants deny the truth of each and every allegation contained in paragraph "47" of the Complaint.

FORTY-EIGHTH: Defendants deny the truth of each and every allegation contained in paragraph "48" of the Complaint.

**WITH RESPECT TO DENIAL OF PROMOTION
OPPORTUNITIES TO QUALIFIED LATINO AND BANGLADESHI WORKERS**

FORTY-NINTH: Defendants deny the truth of each and every allegation contained in paragraph "49" of the Complaint.

FIFTIETH: Defendants deny the truth of each and every allegation contained in paragraph "50" of the Complaint.

FIFTY-FIRST: Defendants deny the truth of each and every allegation contained in paragraph "51" of the Complaint.

FIFTY-SECOND: Defendants deny the truth of each and every allegation contained in paragraph "52" of the Complaint.

**WITH RESPECT TO HOSTILE WORK
ENVIRONMENT AND DISPARATE TREATMENT**

FIFTY-THIRD: Defendants deny the truth of each and every allegation contained in paragraph "53" of the Complaint.

FIFTY-FOURTH: Defendants deny the truth of each and every allegation contained in paragraph "54" of the Complaint.

FIFTY-FIFTH: Defendants deny the truth of each and every allegation contained in paragraph "55" of the Complaint.

FIFTY-SIXTH: Defendants deny the truth of each and every allegation contained in paragraph "56" of the Complaint.

FIFTY-SEVENTH: Defendants deny the truth of each and every allegation contained in paragraph "57" of the Complaint.

FIFTY-EIGHTH: Defendants deny the truth of each and every allegation contained in paragraph "58" of the Complaint, except admit that generally all employees are disciplined in a professional and respectful manner.

FIFTY-NINTH: Defendants deny the truth of each and every allegation contained in paragraph "59" of the Complaint.

SIXTIETH: Defendants deny the truth of each and every allegation contained in paragraph "60" of the Complaint.

SIXTY-FIRST: Defendants deny the truth of each and every allegation contained in paragraph "61" of the Complaint.

SIXTY-SECOND: Defendants deny the truth of each and every allegation contained in paragraph "62" of the Complaint.

SIXTY-THIRD: Defendants deny the truth of each and every allegation contained in paragraph "63" of the Complaint.

**WITH RESPECT TO DANIEL'S HIRING, PROMOTION AND TRAINING
POLICIES CREATE A BARRIER TO LATINO AND BANGLADESHI WORKERS**

SIXTY-FOURTH: Defendants deny the truth of each and every allegation contained in paragraph "64" of the Complaint.

SIXTY-FIFTH: Defendants deny the truth of each and every allegation contained in paragraph "65" of the Complaint, except admit that Bussers and Runners participate in the daily meetings where the day's menu is discussed, and Managers periodically quiz employees in every service position on the menu items to test their knowledge.

SIXTY-SIXTH: Defendants deny the truth of each and every allegation contained in paragraph "66" of the Complaint.

SIXTY-SEVENTH: Defendants deny the truth of each and every allegation contained in paragraph "67" of the Complaint, except admit that no written postings or position announcements were displayed before August 2006.

SIXTY-EIGHTH: Defendants deny the truth of each and every allegation contained in paragraph "68" of the Complaint.

SIXTY-NINTH: Defendants deny the truth of each and every allegation contained in paragraph "69" of the Complaint, except admit that training is offered to all workers, and at times nearly all staff employees, including some plaintiffs, have participated in training newly hired employees.

SEVENTIETH: Defendants deny the truth of each and every allegation contained in paragraph "70" of the Complaint.

WITH RESPECT TO FAILURE TO PROMOTE INDIVIDUAL PLAINTIFFS

Jose Arenas

SEVENTY-FIRST: Defendants admit the truth of each and every allegation contained in paragraph "71" of the Complaint.

SEVENTY-SECOND: Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "72" of the Complaint.

SEVENTY-THIRD: Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "73" of the Complaint, except admit that Jean-George is an upscale Manhattan Restaurant.

SEVENTY-FOURTH: Defendants deny the truth of each and every allegation contained in paragraph "74" of the Complaint, except admit that Mr. Arenas and other employees were advised of the opportunity for advancement.

SEVENTY-FIFTH: Defendants deny the truth of each and every allegation contained in paragraph "75" of the Complaint, except admit that at various times, Mr. Arenas was assigned to work in the "VIP" section.

SEVENTY-SIXTH: Defendants deny the truth of each and every allegation contained in paragraph "76" of the Complaint.

SEVENTY-SEVENTH: Defendants deny the truth of each and every allegation contained in paragraph "77" of the Complaint.

SEVENTY-EIGHTH: Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "78" of the Complaint.

SEVENTY-NINTH: Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "79" of the Complaint, but deny that Mr. Arenas ever requested a promotion to Runner. Defendants admit that Mr. Arenas was not promoted to Runner.

EIGHTIETH: Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "80" of the Complaint.

EIGHTY-FIRST: Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "81" of the Complaint.

EIGHTY-SECOND: Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "82" of the Complaint.

EIGHTY-THIRD: Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "83" of the Complaint.

EIGHTY-FOURTH: Defendants deny the truth of each and every allegation contained in paragraph "84" of the Complaint.

EIGHTY-FIFTH: Defendants deny the truth of each and every allegation contained in paragraph "85" of the Complaint.

Ignacio Garcia

EIGHTY-SIXTH: Defendants deny the truth of each and every allegation contained in paragraph "86" of the Complaint, except admit that Mr. Garcia was

employed as a busser at Restaurant Daniel.

EIGHTY-SEVENTH: Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "87" of the Complaint.

EIGHTY-EIGHTH: Defendants deny the truth of each and every allegation contained in paragraph "88" of the Complaint.

EIGHTY-NINTH: Defendants deny the truth of each and every allegation contained in paragraph "89" of the Complaint.

NINETIETH: Defendants deny the truth of each and every allegation contained in paragraph "90" of the Complaint.

NINETY-FIRST: Defendants deny the truth of each and every allegation contained in paragraph "91" of the Complaint.

NINETY-SECOND: Defendants deny the truth of each and every allegation contained in paragraph "92" of the Complaint, but admit that Mr. Garcia never received a promotion.

NINETY-THIRD: Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "93" of the Complaint.

NINETY-FOURTH: Defendants deny the truth of each and every allegation contained in paragraph "94" of the Complaint.

NINETY-FIFTH: Defendants deny the truth of each and every allegation contained in paragraph "95" of the Complaint.

NINETY-SIXTH: Defendants admit the truth of each and every allegation

contained in paragraph "96" of the Complaint.

NINETY-SEVENTH: Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegation contained in paragraph "97" of the Complaint.

NINETY-EIGHTH: Defendants deny the truth of each and every allegation contained in paragraph "98" of the Complaint.

Jose Gomez

NINETY-NINTH: Defendants deny the truth of each and every allegation contained in paragraph "99" of the Complaint.

ONE HUNDREDTH: Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "100" of the Complaint.

ONE HUNDRED FIRST: Defendants admit the truth of each and every allegation contained in paragraph "101" of the Complaint.

ONE HUNDRED SECOND: Defendants admit the truth of each and every allegation contained in paragraph "102" of the Complaint.

ONE HUNDRED THIRD: Defendants deny the truth of each and every allegation contained in paragraph "103" of the Complaint, except admit that Mr. Gomez worked at Café Boulud prior to working at Daniel.

ONE HUNDRED FOURTH: Defendants deny the truth of each and every allegation contained in paragraph "104" of the Complaint.

ONE HUNDRED FIFTH: Defendants deny the truth of each and every allegation contained in paragraph "105" of the Complaint.

ONE HUNDRED SIXTH: Defendants deny the truth of each and every allegation contained in paragraph "106" of the Complaint.

ONE HUNDRED SEVENTH: Defendants deny the truth of each and every allegation contained in paragraph "107" of the Complaint.

ONE HUNDRED EIGHTH: Defendants deny the truth of each and every allegation contained in paragraph "108" of the Complaint.

ONE HUNDRED NINTH: Defendants deny the truth of each and every allegation contained in paragraph "109" of the Complaint.

ONE HUNDRED TENTH: Defendants deny knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph "110" of the Complaint.

Hector Gutierrez

ONE HUNDRED ELEVENTH: Defendants admit the truth of each and every allegation contained in paragraph "111" of the Complaint.

ONE HUNDRED TWELFTH: Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "112" of the Complaint.

ONE HUNDRED THIRTEENTH: Defendants deny the truth of each and every allegation contained in paragraph "113" of the Complaint.

ONE HUNDRED FOURTEENTH: Defendants deny the truth of each and every

allegation contained in paragraph "114" of the Complaint.

ONE HUNDRED FIFTEENTH: Defendants deny the truth of each and every allegation contained in paragraph "115" of the Complaint, except admit that in December 2005, Mr. Lecleir assigned Mr. Gutierrez to work shifts as a Runner.

ONE HUNDRED SIXTEENTH: Defendants deny the truth of each and every allegation contained in paragraph "116" of the Complaint.

ONE HUNDRED SEVENTEENTH: Defendants deny the truth of each and every allegation contained in paragraph "117" of the Complaint.

Mir Kadir Mamun

ONE HUNDRED EIGHTEENTH: Defendants admit the truth of each and every allegation contained in paragraph "118" of the Complaint.

ONE HUNDRED NINETEENTH: Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "119" of the Complaint.

ONE HUNDRED TWENTIETH: Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "120" of the Complaint.

ONE HUNDRED TWENTY-FIRST: Defendants deny the truth of each and every allegation contained in paragraph "121" of the Complaint.

ONE HUNDRED TWENTY-SECOND: Defendants deny the truth of each and every allegation contained in paragraph "122" of the Complaint.

ONE HUNDRED TWENTY-THIRD: Defendants deny the truth of each and every

allegation contained in paragraph "123" of the Complaint.

ONE HUNDRED TWENTY-FOURTH: Defendants deny the truth of each and every allegation contained in paragraph "124" of the Complaint.

ONE HUNDRED TWENTY-FIFTH: Defendants deny the truth of each and every allegation contained in paragraph "125" of the Complaint.

ONE HUNDRED TWENTY-SIXTH: Defendants deny the truth of each and every allegation contained in paragraph "126" of the Complaint.

ONE HUNDRED TWENTY-SEVENTH: Defendants admit the truth of each and every allegation contained in paragraph "127" of the Complaint.

ONE HUNDRED TWENTY-EIGHTH: Defendants deny the truth of each and every allegation contained in paragraph "128" of the Complaint.

Mohamed Mollick Miah

ONE HUNDRED TWENTY-NINTH: Defendants deny the truth of each and every allegation contained in paragraph "129" of the Complaint, except admit that Mr. Miah is employed as a busser of Restaurant Daniel.

ONE HUNDRED THIRTIETH: Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegation contained in paragraph "130" of the Complaint.

ONE HUNDRED THIRTY-FIRST: Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegation contained in paragraph "131" of the Complaint.

ONE HUNDRED THIRTY-SECOND: Defendants deny the truth of each and

every allegation contained in paragraph "132" of the Complaint, except admit that Mr. Miah has not been promoted.

ONE HUNDRED THIRTY-THIRD: Defendants deny the truth of each and every allegation contained in paragraph "133" of the Complaint.

ONE HUNDRED THIRTY-FOURTH: Defendants deny the truth of each and every allegation contained in paragraph "134" of the Complaint.

ONE HUNDRED THIRTY-FIFTH: Defendants deny the truth of each and every allegation contained in paragraph "135" of the Complaint.

ONE HUNDRED THIRTY-SIXTH: Defendants deny the truth of each and every allegation contained in paragraph "136" of the Complaint.

Luis Humberto Morocho

ONE HUNDRED THIRTY-SEVENTH: Defendants deny the truth of each and every allegation contained in paragraph "137" of the Complaint.

ONE HUNDRED THIRTY-EIGHTH: Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "138" of the Complaint.

ONE HUNDRED THIRTY-NINTH: Defendants deny the truth of each and every allegation contained in paragraph "139" of the Complaint.

ONE HUNDRED FORTIETH: Defendants deny the truth of each and every allegation contained in paragraph "140" of the Complaint.

ONE HUNDRED FORTY-FIRST: Defendants deny the truth of each and every allegation contained in paragraph "141" of the Complaint.

ONE HUNDRED FORTY-SECOND: Defendants deny the truth of each and every allegation contained in paragraph "142" of the Complaint.

ONE HUNDRED FORTY-THIRD: Defendants deny the truth of each and every allegation contained in paragraph "143" of the Complaint.

ONE HUNDRED FORTY-FOURTH: Defendants deny the truth of each and every allegation contained in paragraph "144" of the Complaint, except admit that Mr. Morocho spoke English well enough to work in any position at the Restaurant.

ONE HUNDRED FORTY-FIFTH: Defendants deny the truth of each and every allegation contained in paragraph "145" of the Complaint.

ONE HUNDRED FORTY-SIXTH: Defendants deny the truth of each and every allegation contained in paragraph "146" of the Complaint.

ONE HUNDRED FORTY-SEVENTH: Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "147" of the Complaint.

ONE HUNDRED FORTY-EIGHTH: Defendants deny the truth of each and every allegation contained in paragraph "148" of the Complaint.

ONE HUNDRED FORTY-NINTH: Defendants deny the truth of each and every allegation contained in paragraph "149" of the Complaint.

WITH RESPECT TO RETALIATION

Mir Kadir Mamun

ONE HUNDRED FIFTIETH: Defendants deny the truth of each and every allegation contained in paragraph "150" of the Complaint.

ONE HUNDRED FIFTY-FIRST: Defendants deny the truth of each and every allegation contained in paragraph "151" of the Complaint.

ONE HUNDRED FIFTY-SECOND: Defendants deny the truth of each and every allegation contained in paragraph "152" of the Complaint.

ONE HUNDRED FIFTY-THIRD: Defendants admit the truth of the allegations contained in paragraph "153" of the Complaint.

ONE HUNDRED FIFTY-FOURTH: Defendants deny the truth of each and every allegation contained in paragraph "154" of the Complaint.

ONE HUNDRED FIFTY-FIFTH: Defendants deny the truth of each and every allegation contained in paragraph "155" of the Complaint.

ONE HUNDRED FIFTY-SIXTH: Defendants deny the truth of each and every allegation contained in paragraph "156" of the Complaint.

ONE HUNDRED FIFTY-SEVENTH: Defendants admit the truth of each and every allegation contained in paragraph "157" of the Complaint.

ONE HUNDRED FIFTY-EIGHTH: Defendants admit the truth of each and every allegation contained in paragraph "158" of the Complaint.

ONE HUNDRED FIFTY-NINTH: Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "159" of the Complaint.

ONE HUNDRED SIXTIETH: Defendants deny the truth of each and every allegation contained in paragraph "160" of the Complaint.

ONE HUNDRED SIXTY-FIRST: Defendants admit the truth of each and every

allegation contained in paragraph "161" of the Complaint.

ONE HUNDRED SIXTY-SECOND: Defendants deny knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph "162" of the Complaint.

ONE HUNDRED SIXTY-THIRD: Defendants deny the truth of each and every allegation contained in paragraph "163" of the Complaint.

Ignacio Garcia

ONE HUNDRED SIXTY-FOURTH: Defendants deny the truth of each and every allegation contained in paragraph "164" of the Complaint.

ONE HUNDRED SIXTY-FIFTH: Defendants deny the truth of each and every allegation contained in paragraph "165" of the Complaint.

ONE HUNDRED SIXTY-SIXTH: Defendants deny the truth of each and every allegation contained in paragraph "166" of the Complaint.

ONE HUNDRED SIXTY-SEVENTH: Defendants deny the truth of each and every allegation contained in paragraph "167" of the Complaint, except denies knowledge or information sufficient to form a belief as to whether Mr. Garcia was instructed by the Captain as to the manner in which he was to place the dessert.

ONE HUNDRED SIXTY-EIGHTH: Defendants deny the truth of each and every allegation contained in paragraph "168" of the Complaint.

ONE HUNDRED SIXTY-NINTH: Defendants deny the truth of each and every allegation contained in paragraph "169" of the Complaint.

ONE HUNDRED SEVENTIETH: Defendants deny the truth of each and every

allegation contained in paragraph "170" of the Complaint.

WITH RESPECT TO UNPAID WAGES

Ignacio Garcia

ONE HUNDRED SEVENTY-FIRST: Defendants deny the truth of each and every allegation contained in paragraph "171" of the Complaint.

ONE HUNDRED SEVENTY-SECOND: Defendants deny the truth of each and every allegation contained in paragraph "172" of the Complaint.

ONE HUNDRED SEVENTY-THIRD: Defendants deny the truth of each and every allegation contained in paragraph "173" of the Complaint.

ONE HUNDRED SEVENTY-FOURTH: Defendants deny the truth of each and every allegation contained in paragraph "174" of the Complaint.

ONE HUNDRED SEVENTY-FIFTH: Defendants deny the truth of each and every allegation contained in paragraph "175" of the Complaint.

Jose Gomez

ONE HUNDRED SEVENTY-SIXTH: Defendants deny the truth of each and every allegation contained in paragraph "176" of the Complaint.

ONE HUNDRED SEVENTY-SEVENTH: Defendants deny the truth of each and every allegation contained in paragraph "177" of the Complaint.

ONE HUNDRED SEVENTY-EIGHTH: Defendants deny the truth of each and every allegation contained in paragraph "178" of the Complaint.

ONE HUNDRED SEVENTY-NINTH: Defendants deny the truth of each and every allegation contained in paragraph "179" of the Complaint.

ONE HUNDRED EIGHTIETH: Defendants deny the truth of each and every allegation contained in paragraph "180" of the Complaint.

**WITH RESPECT TO COMPLIANCE
WITH ADMINISTRATIVE FILING REQUIREMENTS**

ONE HUNDRED EIGHTY-FIRST: Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "181" of the Complaint and refer all matters of law to the Court.

ONE HUNDRED EIGHTY-SECOND: Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "182" of the Complaint and refer all matters of law to the Court.

WITH RESPECT TO THE FIRST CAUSE OF ACTION

ONE HUNDRED EIGHTY-THIRD: With respect to the allegations contained in paragraph "183" of the Complaint, defendants repeat, reiterate and reallege each and every response contained in paragraphs "FIRST" through "ONE HUNDRED EIGHTY-SECOND" of this Answer with the same force and effect as if fully set forth at length herein.

ONE HUNDRED EIGHTY-FOURTH: Defendants deny the truth of each and every allegation contained in paragraph "184" of the Complaint.

ONE HUNDRED EIGHTY-FIFTH: Defendants deny the truth of each and every allegation contained in paragraph "185" of the Complaint.

ONE HUNDRED EIGHTY-SIXTH: Defendants deny the truth of each and every allegation contained in paragraph "186" of the Complaint.

ONE HUNDRED EIGHTY-SEVENTH: Defendants deny the truth of each and

every allegation contained in paragraph "187" of the Complaint.

ONE HUNDRED EIGHTY-EIGHTH: Defendants deny the truth of each and every allegation contained in paragraph "188" of the Complaint.

ONE HUNDRED EIGHTY-NINTH: Defendants deny the truth of each and every allegation contained in paragraph "189" of the Complaint.

ONE HUNDRED NINETIETH: Defendants deny the truth of each and every allegation contained in paragraph "190" of the Complaint.

WITH RESPECT TO THE SECOND CAUSE OF ACTION

ONE HUNDRED NINETY-FIRST: With respect to the allegations contained in paragraph "191" of the Complaint, defendants repeat, reiterate and reallege each and every response contained in paragraphs "FIRST" through "ONE HUNDRED NINETIETH" of this Answer with the same force and effect as if fully set forth at length herein.

ONE HUNDRED NINETY-SECOND: Defendants deny the truth of each and every allegation contained in paragraph "192" of the Complaint.

ONE HUNDRED NINETY-THIRD: Defendants deny the truth of each and every allegation contained in paragraph "193" of the Complaint.

ONE HUNDRED NINETY-FOURTH: Defendants deny the truth of each and every allegation contained in paragraph "194" of the Complaint.

ONE HUNDRED NINETY-FIFTH: Defendants deny the truth of each and every allegation contained in paragraph "195" of the Complaint.

ONE HUNDRED NINETY-SIXTH: Defendants deny the truth of each and every

allegation contained in paragraph "196" of the Complaint.

ONE HUNDRED NINETY-SEVENTH: Defendants deny the truth of each and every allegation contained in paragraph "197" of the Complaint.

WITH RESPECT TO THE THIRD CAUSE OF ACTION

ONE HUNDRED NINETY-EIGHTH: With respect to the allegations contained in paragraph "198" of the Complaint, defendants repeat, reiterate and reallege each and every response contained in paragraphs "FIRST" through "ONE HUNDRED NINETY-SEVENTH" of this Answer with the same force and effect as if fully set forth at length herein.

ONE HUNDRED NINETY-NINTH: Defendants deny the truth of each and every allegation contained in paragraph "199" of the Complaint.

TWO HUNDREDDTH: Defendants deny the truth of each and every allegation contained in paragraph "200" of the Complaint.

TWO HUNDRED FIRST: Defendants deny the truth of each and every allegation contained in paragraph "201" of the Complaint.

TWO HUNDRED SECOND: Defendants deny the truth of each and every allegation contained in paragraph "202" of the Complaint.

TWO HUNDRED THIRD: Defendants deny the truth of each and every allegation contained in paragraph "203" of the Complaint.

TWO HUNDRED FOURTH: Defendants deny the truth of each and every allegation contained in paragraph "204" of the Complaint.

WITH RESPECT TO THE FOURTH CAUSE OF ACTION

TWO HUNDRED FIFTH: With respect to the allegations contained in paragraph "205" of the Complaint, defendants repeat, reiterate and reallege each and every response contained in paragraphs "FIRST" through "TWO HUNDRED FOURTH" of this Answer with the same force and effect as if fully set forth at length herein.

TWO HUNDRED SIXTH: Defendants deny the truth of each and every allegation contained in paragraph "206" of the Complaint.

TWO HUNDRED SEVENTH: Defendants deny the truth of each and every allegation contained in paragraph "207" of the Complaint.

TWO HUNDRED EIGHTH: Defendants deny the truth of each and every allegation contained in paragraph "208" of the Complaint.

WITH RESPECT TO THE FIFTH CAUSE OF ACTION

TWO HUNDRED NINTH: With respect to the allegations contained in paragraph "209" of the Complaint, defendants repeat, reiterate and reallege each and every response contained in paragraphs "FIRST" through "TWO HUNDRED EIGHTH" of this Answer with the same force and effect as if fully set forth at length herein.

TWO HUNDRED TENTH: Defendants deny the truth of each and every allegation contained in paragraph "210" of the Complaint.

TWO HUNDRED ELEVENTH: Defendants deny the truth of each and every allegation contained in paragraph "211" of the Complaint.

TWO HUNDRED TWELFTH: Defendants deny the truth of each and every allegation contained in paragraph "212" of the Complaint.

TWO HUNDRED THIRTEENTH: Defendants deny the truth of each and every

allegation contained in paragraph "213" of the Complaint.

TWO HUNDRED FOURTEENTH: Defendants deny the truth of each and every allegation contained in paragraph "214" of the Complaint.

TWO HUNDRED FIFTEENTH: Defendants deny the truth of each and every allegation contained in paragraph "215" of the Complaint.

WITH RESPECT TO THE SIXTH CAUSE OF ACTION

TWO HUNDRED SIXTEENTH: With respect to the allegations contained in paragraph "216" of the Complaint, defendants repeat, reiterate and reallege each and every response contained in paragraphs "FIRST" through "TWO HUNDRED FIFTEENTH" of this Answer with the same force and effect as if fully set forth at length herein.

TWO HUNDRED SEVENTEENTH: Defendants deny the truth of each and every allegation contained in paragraph "217" of the Complaint.

TWO HUNDRED EIGHTEENTH: Defendants deny the truth of each and every allegation contained in paragraph "218" of the Complaint.

TWO HUNDRED NINETEENTH: Defendants deny the truth of each and every allegation contained in paragraph "219" of the Complaint.

TWO HUNDRED TWENTIETH: Defendants deny the truth of each and every allegation contained in paragraph "220" of the Complaint.

TWO HUNDRED TWENTY-FIRST: Defendants deny the truth of each and every allegation contained in paragraph "221" of the Complaint.

TWO HUNDRED TWENTY-SECOND: Defendants deny the truth of each and

every allegation contained in paragraph "222" of the Complaint.

TWO HUNDRED TWENTY-THIRD: Defendants deny the truth of each and every allegation contained in paragraph "223" of the Complaint.

TWO HUNDRED TWENTY-FOURTH: Defendants deny the truth of each and every allegation contained in paragraph "224" of the Complaint.

FIRST AFFIRMATIVE DEFENSE

TWO HUNDRED TWENTY-FIFTH: The Complaint in whole or in part should be dismissed for failure to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

TWO HUNDRED TWENTY-SIXTH: Plaintiffs do not have standing to bring all of, or part of, the claims alleged in the Complaint.

THIRD AFFIRMATIVE DEFENSE

TWO HUNDRED TWENTY-SEVENTH: Plaintiffs' claims must be dismissed as barred by the applicable statute(s) of limitation or other time limitations.

FOURTH AFFIRMATIVE DEFENSE

TWO HUNDRED TWENTY-EIGHTH: To the extent that the claims alleged in the Complaint fail to comply with procedural or administrative conditions precedent to filing a civil action as imposed by the relevant statutes, including but not limited to the New York State Human Rights Law and the New York City Human Rights Law, they should be dismissed in whole or in part.

FIFTH AFFIRMATIVE DEFENSE

TWO HUNDRED TWENTY-NINTH: Plaintiffs' action against defendants is barred

to the extent that the claims raised in Plaintiffs' complaint are beyond the scope of those raised in the administrative proceeding(s).

SIXTH AFFIRMATIVE DEFENSE

TWO HUNDRED THIRTIETH: Plaintiffs' claims must be dismissed for lack of subject matter jurisdiction.

SEVENTH AFFIRMATIVE DEFENSE

TWO HUNDRED THIRTY-FIRST: Defendants did not discriminate against Plaintiffs. Defendants' conduct with respect to the Plaintiffs conformed to the requirements of all applicable laws.

EIGHTH AFFIRMATIVE DEFENSE

TWO HUNDRED THIRTY-SECOND: Defendants did not retaliate against Plaintiffs. Defendants' conduct with respect to the Plaintiffs conformed to the requirements of all applicable laws.

NINTH AFFIRMATIVE DEFENSE

TWO HUNDRED THIRTY-THIRD: Even if any unlawful conduct occurred with regard to Plaintiffs, which defendants deny, that conduct was not the result of purposeful, knowing oppressive or malicious conduct by defendants.

TENTH AFFIRMATIVE DEFENSE

TWO HUNDRED THIRTY-FOURTH: Any damages allegedly suffered by Plaintiffs were caused solely by their own culpable conduct and not by any culpable conduct of defendants or anyone acting under their direction or control.

ELEVENTH AFFIRMATIVE DEFENSE

TWO HUNDRED THIRTY-FIFTH: Plaintiffs failed to mitigate or otherwise act to lessen or reduce the damages alleged in the complaint.

TWELFTH AFFIRMATIVE DEFENSE

TWO HUNDRED THIRTY-SIXTH: Any damages allegedly suffered by Plaintiffs should be reduced in proportion to the extent they were due to their own culpable conduct.

THIRTEENTH AFFIRMATIVE DEFENSE

TWO HUNDRED THIRTY-SEVENTH: If Plaintiffs are entitled to any relief, such relief is limited by that relief available under the relevant statute(s).

FOURTEENTH AFFIRMATIVE DEFENSE

TWO HUNDRED THIRTY-EIGHTH: Plaintiffs' action is barred because defendants complied with its own established policies and procedures for the prevention and detection of unlawful discriminatory practices and it does not condone acts of discriminatory conduct by its employees.

FIFTEENTH AFFIRMATIVE DEFENSE

TWO HUNDRED THIRTY-NINTH: If any wrongful action or omission occurred, which defendants deny, defendants exercised reasonable care to prevent and correct promptly any purported wrongful conduct and/or Plaintiffs unreasonably failed to take advantage of the preventative or corrective opportunities provided by defendants or to otherwise avoid the alleged harm.

SIXTEENTH AFFIRMATIVE DEFENSE

TWO HUNDRED FORTIETH: Any adverse action taken by defendants

concerning Plaintiffs' employment was for a reasonable reason and was not based upon gender, pregnancy, race, age or as a form of retaliation.

SEVENTEENTH AFFIRMATIVE DEFENSE

TWO HUNDRED FORTY-FIRST: All actions taken by defendants concerning Plaintiffs' employment were for reasons solely relating to the legitimate non-discriminatory corporate interests of defendants.

EIGHTEENTH AFFIRMATIVE DEFENSE

TWO HUNDRED FORTY-SECOND: Defendants fully informed Plaintiffs of all applicable Federal and State laws concerning their employment. Defendants' conduct with respect to the Plaintiffs conformed to the requirements of all applicable laws. Plaintiffs' action against defendants is barred because there was no practice or procedure by defendants that caused any of Plaintiffs' alleged damages.

NINETEENTH AFFIRMATIVE DEFENSE

TWO HUNDRED FORTY-THIRD: There is no basis in law or fact for the imposition of punitive damages.

TWENTIETH AFFIRMATIVE DEFENSE

TWO HUNDRED FORTY-FOURTH: Plaintiffs' claims for punitive damages are barred due to defendants' good faith efforts to comply with applicable anti-discrimination laws.

TWENTY-FIRST AFFIRMATIVE DEFENSE

TWO HUNDRED FORTY-FIFTH: To the extent the Complaint seeks equitable relief, such relief is barred by principles of equitable estoppel and/or the doctrine of

unclean hands.

TWENTY-SECOND AFFIRMATIVE DEFENSE

TWO HUNDRED FORTY-SIXTH: To the extent the Complaint seeks overtime pay, such relief is barred because complainants were exempt from such overtime payments under the Fair Labor Standards Act and New York State Labor Law.

TWENTY-THIRD AFFIRMATIVE DEFENSE

TWO HUNDRED FORTY-SEVENTH: Defendants reserve all rights to add additional defenses which may be ascertained in the course of discovery in this action.

TWENTY-FOURTH AFFIRMATIVE DEFENSE

TWO HUNDRED FORTY-EIGHTH: The Complaint fails to comply with pleading requirements.

TWENTY-FIFTH AFFIRMATIVE DEFENSE

TWO HUNDRED FORTY-NINTH: To the extent that plaintiff failed and neglected to initiate this action in a swift, diligent and timely fashion, the plaintiff's Complaint is barred by waiver and laches.

TWENTY-SIXTH AFFIRMATIVE DEFENSE

TWO HUNDRED FIFTIETH: The injuries to plaintiff, if any, are unrelated to any act or omission of defendants or any individual acting under their direction or control.

TWENTY-SEVENTH AFFIRMATIVE DEFENSE

TWO HUNDRED AND FIFTY-FIRST: Defendants' actions and activities were conducted in a reasonable fashion, without recklessness, malice, wantonness or willfulness, and the plaintiff may not recover any exemplary or punitive damages against

defendants.

TWENTY-EIGHTH AFFIRMATIVE DEFENSE

TWO HUNDRED AND FIFTY-SECOND: One or more of plaintiffs' claims are barred by the Worker Compensation law.

TWENTY-NINTH AFFIRMATIVE DEFENSE

TWO HUNDRED AND FIFTY-THIRD: Defendants assert that, in all respects, they conducted their operations in a reasonable manner.

THIRTIETH AFFIRMATIVE DEFENSE

TWO HUNDRED AND FIFTY-FOURTH: One or more of the defendants is not a proper party to this action.

THIRTY-FIRST AFFIRMATIVE DEFENSE

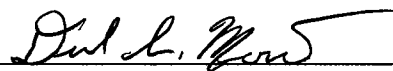
TWO HUNDRED AND FIFTY-FIFTH: Plaintiff's claims are barred, in whole or in part, in that plaintiff failed to exhaust all administrative remedies and/or satisfy the statutory procedural prerequisites to file suit.

WHEREFORE, defendants demand judgment dismissing the Complaint herein, together with their attorney fees, costs and disbursements, and such other and further relief as this Court deems appropriate.

Dated: New York, New York
December 22, 2006

Respectfully submitted,

LANDMAN CORSI BALLAINE & FORD P.C.

By: 
Daniel S. Moretti (DM 6630)
Attorneys for Defendants

DANIEL BOULUD, THE DINEX GROUP, LLC
d/b/a DANIEL, DANIEL BOULUD, LTD.,
MICHAEL LAWRENCE and IGNACE LECLEIR
120 Broadway, 27th Floor
New York, New York 10271-0079
(212) 238-4800

TO: ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND
Attorneys for Plaintiffs
99 Hudson Street, 12th Floor
New York, New York 10013
(212) 966-5932

MAIN STREET LEGAL SERVICES
Attorneys for Plaintiffs
City University of New York School of Law
65-21 Main Street
Flushing, New York 11367
(718) 340-4300

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

MICHELLE WEISS, being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and resides at STATEN ISLAND, NEW YORK.


That on the 22nd day of December, 2006, deponent served the within ANSWER

upon

ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION
FUND
Attorneys for Plaintiffs
99 Hudson Street, 12th Floor
New York, New York 10013
(212) 966-5932

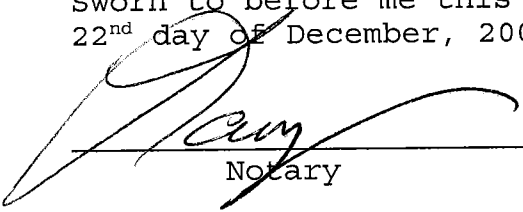
MAIN STREET LEGAL SERVICES
Attorneys for Plaintiffs
City University of New York School of Law
65-21 Main Street
Flushing, New York 11367
(718) 340-4300

attorneys in this action, at the addresses designated by said attorneys for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States post office department within the State of New York.



Michelle Weiss

Sworn to before me this
22nd day of December, 2006.



Notary

LAURIE EGAN
Notary Public, State of New York
No. 01EG5062768
Qualified in Orange County
Commission Expires Aug. 7, 2010

NOTICE OF ENTRY

PLEASE take notice that the within is a (*certified*) true copy of a duly entered in the office of the clerk of the within named court on

Dated,

Yours, etc.

LANDMAN CORSI BALLAINE & FORD P.C.

Attorneys for

Office and Post Office Address
120 Broadway
NEW YORK, N.Y. 10271-0079

To

Attorney(s) for

NOTICE OF SETTLEMENT

PLEASE take notice that an order

of which the within is a true copy will be presented for settlement to the Hon.

one of the judges of the within named Court, at

on

at

M.

Dated,

Yours, etc.

LANDMAN CORSI BALLAINE & FORD P.C.

Attorneys for

Office and Post Office Address
120 Broadway
NEW YORK, N.Y. 10271-0079

To

Attorney(s) for

Index No. 06 CV 13749 (GBD) (JCF) Year

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MIR KADIR MAMUN, JOSE ARENAS,
IGNACIO GARCIA, HECTOR GUTIERREZ,
MOHAMMED MOLLOK MIAH, JOSE GOMEZ
and LUIS HUMBERTO MOROCHO,

v. Plaintiffs,

DANIEL BOULUD, THE DINEX GROUP,
LLC d.b.a. DANIEL, DANIEL BOULUD LTD.,
MICHAEL LAWRENCE and IGNACE LECLER, and

Defendants.

ANSWER

Signature (Rule 130-1.1-a)

Print name beneath

LANDMAN CORSI BALLAINE & FORD P.C.

Attorneys for Defendants.

Office and Post Office Address, Telephone
120 Broadway
NEW YORK, N.Y. 10271-0079
(212) 238-4800

To

Attorney(s) for

Service of a copy of the within is hereby admitted.
Dated

Attorney(s) for